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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James M. Barton, et al.

Serial No.: 09/422,121

Filed on: October 20, 1999

) Confirmation No.: 5130  
)  
) Examiner: BROWN,  
) RUEBEN M.  
)  
) Group Art Unit No.: 2611

For: DATA STORAGE MANAGEMENT AND SCHEDULING SYSTEM

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form, if needed. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

\_\_\_\_\_ 37 C.F.R. §1.97(b).

\_\_\_\_\_ 37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

\_\_\_\_\_ A statement pursuant to 37 C.F.R. §1.97(e)

\_\_\_\_\_ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first

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cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

\_\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

\_\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

  X   37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

  X   A statement pursuant to 37 C.F.R. §1.97(e)

\_\_\_\_\_ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

  X   1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

  X   A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

\_\_\_\_\_ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

X  

The Examiner is hereby notified that the present application is related to the following related application(s):

**DISCLOSURE OF RELATED APPLICATIONS**

| U.S. Application/ Pat. No. | File Date | Atty. Docket. No. |
|----------------------------|-----------|-------------------|
| 10/923,445                 | 8/20/2004 | 60097-0289        |
|                            |           |                   |
|                            |           |                   |
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|                            |           |                   |

The related application(s) may contain subject matter that is related to the subject matter of the present application. The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

  X  

The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

**DISCLOSURE OF OFFICE ACTIONS**

| U.S. Application/<br>Pat. No. | File Date  | Office Action<br>Mailing Date | Atty. Docket. No. |
|-------------------------------|------------|-------------------------------|-------------------|
| 10/339,700                    | 01/08/2003 | 02/07/2005                    | 60097-0234        |
|                               |            |                               |                   |
|                               |            |                               |                   |


The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 17, 2005

  
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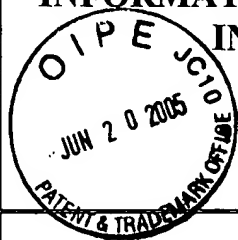
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
June 17, 2005  
(Date of Deposit)

Jennifer Newell

(Typed or printed name of person mailing correspondence)

  
(Signature of person mailing correspondence)

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION  
(PTO-1449)**



**ATTY. DOCKET NO.**  
60097-0039

**SERIAL NO.**  
09/422,121

**APPLICANT:**  
James M. Barton et al.

**FILING DATE:**  
October 20, 1999

**GROUP:**  
2611

**U.S. PATENT DOCUMENTS**

| Exam.<br>Initial* | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns,<br>Lines, Where<br>Relevant<br>Passages or<br>Relevant Figures<br>Appear |
|-------------------|--------------------------|----------------------|--------------------------------------|--|--|--|
|                   |                          | Number               | Kind Code <sup>2</sup><br>(If known) |  |  |  |
|                   |                          | 4,600,989            |                                      | Schwartz   | 07-15-1986   |  |
|                   |                          | 5,063,547            |                                      | Custers et al.                                     | 11-05-1991   |  |
|                   |                          | 5,502,504            |                                      | Marshall et al.                                    | 03-26-1996   |  |
|                   |                          | 5,701,383            |                                      | Russo et al.                                       | 12-23-1997   |  |
|                   |                          | 5,710,601            |                                      | Marshall et al.                                    | 01-20-1998   |  |
|                   |                          | 5,745,710            |                                      | Clanton, III et al.                                | 04-28-1998   |  |
|                   |                          | 5,805,763            |                                      | Lawler et al.                                      | 09-08-1998   |  |
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**FOREIGN PATENT DOCUMENTS**

| Exam.<br>Initial* | Cite<br>No. <sup>1</sup> | Foreign Patent Document                  |                     |                       | Name of Patentee or Applicant<br>of Cited Document | Date of<br>Publication of<br>Cited Document<br>MM-DD-YYYY | Pages,<br>Columns,<br>Lines, Where<br>Relevant<br>Passages or<br>Relevant<br>Figures<br>Appear | T <sup>6</sup> |
|-------------------|--------------------------|--|---------------------|-----------------------|--|---|--|----------------|
|                   |                          | Office <sup>3</sup><br>Code <sup>5</sup> | Number <sup>4</sup> | Kind<br>(If<br>known) |  |   |  |                |
|                   |                          | EP                                       | 0 889 649           | A2                    | Sony Corporation                                   | 01-07-1999  |  |                |
|                   |                          | EP                                       | 0 889 649           | A3                    | Sony Corporation                                   | 08-11-1999  |  |                |
|                   |                          | EP                                       | 0 898 279           | A2                    | Sony Corporation                                   | 02-24-1999  |  |                |
|                   |                          | WO                                       | 96/38008            | A1                    | Thomson Consumer Electronics, Inc.                 | 11-28-1996  |  |                |

**Examiner  
Signature**

**Date Considered**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

| <b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION<br/>(PTO-1449)</b> |                          |                      |                                      | <b>ATTY. DOCKET NO.</b><br>60097-0039              |  | <b>SERIAL NO.</b><br>09/422,121  |  |
|---|--------------------------|----------------------|--------------------------------------|--|--|--|--|
|   |                          |                      |                                      | <b>APPLICANT:</b><br>James M. Barton et al.        |  |  |  |
|   |                          |                      |                                      | <b>FILING DATE:</b><br>October 20, 1999            |  | <b>GROUP:</b><br>2611  |  |
| <b>U.S. PATENT DOCUMENTS</b>  |                          |                      |                                      |  |  |  |  |
| Exam.<br>Initial*   | Cite<br>No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of Publication of<br>Cited Document<br>MM-DD-YYYY | Pages, Columns,<br>Lines, Where<br>Relevant<br>Passages or<br>Relevant Figures<br>Appear |  |
|   |                          | Number               | Kind Code <sup>2</sup><br>(If known) |  |  |  |  |
|   |                          | 6,425,128            | B1                                   | Krapf et al.                                       | 07-23-2002   |  |  |
|   |                          | 6,481,011            | B1                                   | Lemmons et al.                                     | 11-12-2002   |  |  |
|   |                          | 6,654,546            | B1                                   | Levin et al.                                       | 11-25-2003   |  |  |
|   |                          | 6,658,663            | B1                                   | Bruynsteen   | 12-02-2003   |  |  |
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| <b>FOREIGN PATENT DOCUMENTS</b> |                          |                         |                     |                                      |  |   |  |                |
|---------------------------------|--------------------------|-------------------------|---------------------|--------------------------------------|--|---|--|----------------|
| Exam.<br>Initial*               | Cite<br>No. <sup>1</sup> | Foreign Patent Document |                     |                                      | Name of Patentee or Applicant<br>of Cited Document | Date of<br>Publication of<br>Cited Document<br>MM-DD-YYYY | Pages,<br>Columns,<br>Lines, Where<br>Relevant<br>Passages or<br>Relevant<br>Figures<br>Appear | T <sup>6</sup> |
|                                 |                          | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(If known) |  |   |  |                |
|                                 |                          | WO                      | 98/12872            | A1                                   | Starsight Telecast, Incorporated                   | 03-26-1998  |  |                |
|                                 |                          | EP                      | 0 435 370           | B1                                   | Skinner, Kenneth Romayn                            | 03-23-1994  |  |                |
|                                 |                          | EP                      | 0 691 651           | B1                                   | Sony Corporation                                   | 02-03-1999  |  |                |
|                                 |                          | EP                      | 0 764 951           | B1                                   | Sony Corporation                                   | 09-18-2002  |  |                |

|                               |  |                        |  |
|-------------------------------|--|------------------------|--|
| <b>Examiner<br/>Signature</b> |  | <b>Date Considered</b> |  |
|-------------------------------|--|------------------------|--|

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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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| <b>Substitute for Form 1449A/PTO (Modified)</b><br>(use as many sheets as necessary) |                         | <b>Attorney Docket No.:</b><br>60097-0039  | <b>Application Number:</b><br>09/422,121 |
|--|-------------------------|--|--|
|  |                         | <b>First Named Inventor:</b><br>James M. Barton  |  |
|  |                         | <b>Filing Date:</b><br>October 20, 1999  |  |
| <b>OTHER ART – NO PATENT LITERATURE DOCUMENTS</b>                                    |                         |  |  |
| Examiner<br>Initials*  | Cite<br>No <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | Translation <sup>2</sup>                 |
|  |                         | Microsoft Press Computer Dictionary, 1997, Microsoft Press, Third Edition, page 355.   |  |
|  |                         | Office Action from PCT Patent Application No. PCT/US04/00561, dated December 8, 2004, (11 pgs)   |  |
|  |                         | Current Claims in PCT Patent Application No. PCT/US04/00561 (6 pgs)  |  |
|  |                         | McFedries, Paul, "The Complete Idiot's Guide to Windows 95," 1997, Que Corporation, 2nd Edition, Pages 36-39.  |  |
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| Examiner<br>Signature |  | Date Considered |  |
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